

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 3
FAIR DISTRICTS IN TWO OR MORE COUNTIES

22-301. FORMATION OF DISTRICTS. Two (2) or more counties within the state may group themselves together and form a fair district. Petitions fully setting out their purpose, the number of counties to be included within the proposed district, and praying for the formation of such a district, bearing the signatures of not less than fifty-one per cent (51%) of the voters of each county, as based upon the total vote cast for governor at the last state election, shall be presented to the respective boards of county commissioners.

Upon receipt of such petition the clerk of each board shall give notice by publication for not less than two (2) weeks that petition has been filed and will be heard by the board at a day named, not less than three (3) nor more than six (6) weeks thereafter.

[(22-301) 1925, ch. 131, sec. 1, p. 185; am. 1931, ch. 210, sec. 1, p. 404; I.C.A., sec. 22-301.]

22-302. CANVASS OF PETITIONS -- ORDER ON PETITION -- JOINT MEETING OF COUNTY BOARDS. The respective boards shall meet in their respective counties on the day fixed and canvass the petitions, and ascertain that they are signed by the requisite number of voters, and that they are in due form. Any voter within the county may appear and object to the form of petition or the genuineness of the signatures, or that the required number of voters have failed to sign. If the board finds that the petition is in due form, signed by the required number of bona fide voters, an order shall be made declaring that it is the wish of the voters of the county to form a fair district, comprising the respective counties named in the petition, and directing the clerk of the board of county commissioners to so inform the clerk of each of the other county boards of commissioners, and to arrange for a time and place for a joint meeting of the respective boards.

The clerk of the board shall thereupon inform, by writing, the clerks of each of the other boards, and suggest a time and place for a joint meeting. By a majority vote the clerks shall fix the time and place, and notify the commissioners. Notice of such joint meeting shall be published for two (2) weeks in a newspaper in each county. The meeting shall be not less than two (2) weeks nor more than four (4) weeks from the date of the clerks' agreement.

[(22-302) 1925, ch. 131, sec. 2, p. 185; I.C.A., sec. 22-302.]

22-303. ORDER CREATING DISTRICT -- SUBDIVISIONS OF DISTRICT -- BOARD OF DIRECTORS. The respective boards shall meet at the time and place fixed, and the petitions of each county shall be duly considered and canvassed, and if all, or at least three (3) of them, are found in due order and signed by the requisite number of voters, the said commissioners shall jointly make an order creating the proposed district out of the counties in which the petitioners are found to be sufficient and shall give it a name, and at the same time subdivide the district into as many subdivisions as the commissioners deem necessary, numbering them. The said boards shall at the same time select a board of directors, one (1) from each subdivision, each of whom must re-

side within the subdivision he represents. Each director shall hold office for the term of four (4) years. Every four (4) years thereafter the board of county commissioners of the counties comprising the fair district shall select a board of directors. In case of a vacancy caused by death, resignation, or otherwise, said vacancy shall be filled for the unexpired term by the board of county commissioners of the county in which the vacancy occurs.

[(22-303) 1925, ch. 131, sec. 3, p. 185; I.C.A., sec. 22-303; am. 1996, ch. 48, sec. 1, p. 141.]

22-304. DUTIES OF BOARD OF DIRECTORS -- BONDS AND MEETINGS. The board of directors shall be charged with the care and custody of all property of the district fair. They shall file bonds in the sum of one thousand dollars (\$1,000) each. They shall designate a place within the proposed district where the fair grounds shall be located and this place shall thereafter be the place of business of said district. They shall meet at this place of business once each month, or more frequently if the board deems it necessary to accomplish the business of the fair district. They shall see that all moneys are kept in safe depositories by the treasurer, properly safeguarded by bonds. They shall formulate in writing and file in the district office all plans adopted by them from time to time in connection with the conduct of the affairs of said district. They shall see that all records and accounts are properly kept, supervised and approved; that proper vouchers evidence all disbursements of money; that the records are at all reasonable hours open to the taxpayers of the counties comprising the district. They shall cause to be published in at least one (1) issue of a newspaper in each county comprising said district a detailed statement of the receipts and disbursements of the fair district, within sixty (60) days after the holding of each fair.

[(22-304) 1925, ch. 131, sec. 4, p. 185; am. 1927, ch. 70, sec. 1, p. 86; I.C.A., sec. 22-304; am. 1941, ch. 167, sec. 1, p. 334; am. 1996, ch. 48, sec. 2, p. 142.]

22-305. FURTHER DUTIES OF BOARD OF DIRECTORS. The board of directors shall have power to employ a secretary, whom they may vest with general managerial powers; they shall also appoint a treasurer. The office of secretary may be combined in the same person with that of treasurer; but in no event shall any person serve as both director and manager. They shall have power to acquire for the benefit of the district, such property, real and personal, as may be required in connection with the conduct of district fairs. They shall have power to do everything necessary in connection with the holding of annual fairs, including the employment of labor, awarding of prizes, making of exhibition contracts, letting contracts for concessions or services to be conducted at the fair or under the direction of the district fair board, but if any concession or service is to extend for a period of less than ten (10) days in a calendar year, the concession or service may be awarded without bid, charging admission and entrance fees, and everything that is necessary in conducting the business of the district. They shall fix the salaries of all employees, and prescribe the time and manner of payments. They shall be vested with general powers granted by the laws of the state to directors of corporations, except as otherwise provided in this act.

They shall have power to issue warrants, after the special levies have been agreed upon by the representative boards of county commissioners, in anticipation of the collection of such special tax, but not in excess of

eighty percent (80%) of the amount of such special levy, such warrants to be signed by the president and secretary of the district. They shall not have power to create any indebtedness in excess of the amount to be derived by special levies each year and the estimated income from annual fair exhibitions or to mortgage or otherwise pledge or encumber any of the real or personal property owned or controlled by the fair district.

[(22-305) 1925, ch. 131, sec. 5, p. 185; am. 1927, ch. 70, sec. 2, p. 86; I.C.A., sec. 22-305; am. 1949, ch. 6, sec. 1, p. 7; am. 1973, ch. 179, sec. 2, p. 412.]

22-306. COMPENSATION AND MILEAGE OF DIRECTORS. Said directors shall receive as compensation thirty-five dollars (\$35.00) per diem while actually engaged in the business of the district and the mileage rate established by the state board of examiners pursuant to the authority in section [67-2008](#), Idaho Code, for state officers, agents and employees for each mile actually and necessarily traveled while transacting such business.

[(22-306) 1925, ch. 131, sec. 6, p. 185; I.C.A., sec. 22-306; am. 1970, ch. 23, sec. 1, p. 50; am. 1975, ch. 7, sec. 1, p. 11; am. 1978, ch. 371, sec. 1, p. 976.]

22-307. REVENUE FOR FAIR PURPOSES. Aside from the revenue derived from annual fairs or other exhibitions conducted, the necessary revenue shall be raised as follows: The board of directors shall meet the second week of November of each year, and shall make a budget of the amounts required in the conduct of the affairs of the district, for the current year. Included in the budget shall be an appropriation from the various counties forming the district. Each county's assessment shall be determined by a formula, based upon population and assessed valuation. The board of directors shall certify to each board of county commissioners the amount of said budget, and the amount of revenue to be received from each county and shall file a copy thereof with the clerk of the board of county commissioners of each of the counties in said district, on or before the second week of December of each year. The respective boards of county commissioners of the counties comprising said district, shall meet in joint assembly with the directors of the fair district in January of each year, and shall at said meeting organize by electing a chairman and vice chairman and shall jointly consider the budget proposed by the board of directors of the district, and shall give such approval or make such recommendations as to them may seem proper and desirable; grant to the board of directors of the district such authority in connection with the proposed expenditures, as said commissioners, by a majority vote may decide, pass resolutions or adopt bylaws that may be necessary for the conduct of said fair, such action to be certified back to the respective counties by the board of directors of the fair district.

A majority vote shall be the vote of a majority of the commissioners present at said meeting, and said majority vote shall be binding upon the respective boards of commissioners of all the counties belonging to said district. If the county commissioners shall fail to hold such joint meeting, or shall fail to take any action, then the budget as prepared by the directors of the fair district shall be, without further action, deemed approved, and the sums of money apportioned to the respective counties in the district shall be the sums to be raised by special levy for said purpose. For the purpose of raising the aforesaid revenues, the board of county commissioners of

each county in the district shall annually make a levy to raise the required sum apportioned to the respective counties, provided, however, that the said levy shall not exceed five thousandths percent (.005%) of the market value for assessment purposes on all of the taxable property in the county, the proceeds of which tax shall be paid into the treasury of the fair district and used for any purpose authorized by this act.

[(22-307) 1925, ch. 131, sec. 7, p. 185; am. 1927, ch. 70, sec. 3, p. 86; I.C.A., sec. 22-307; am. 1941, ch. 167, sec. 2, p. 334; am. 1975, ch. 7, sec. 2, p. 11; am. 1976, ch. 45, sec. 27, p. 141; am. 1979, ch. 63, sec. 1, p. 167; am. 1995, ch. 82, sec. 3, p. 220; am. 1996, ch. 48, sec. 3, p. 142.]

22-308. ADDITION OF COUNTIES TO DISTRICT. A county or counties may be added to a fair district after its formation upon petition of not less than fifty-one per cent (51%) of the voters of such county or counties provided the boards of commissioners of the counties comprising such fair district determine that it is to the best interest of said district that such other county or counties be added.

[(22-308) 1925, ch. 131, sec. 8, p. 185; I.C.A., sec. 22-308.]

22-309. FISCAL YEAR. The fiscal year of each fair district shall commence on the first day of November.

[(22-309) I.C.A., sec. 22-308A, as added by 1941, ch. 167, sec. 3, p. 334.]

22-310. DISPOSITION OF MONEYS REMAINING AFTER AWARDS PAID. In any case in a fair district, or any person, association or corporation with which the fair district has contracted to conduct activities permitted by law, has paid out moneys by check or warrant in the form of premiums, awards, winnings, prizes, or return of entry fees, and such check or warrant remains uncashed or unclaimed after one (1) year from date of issue, such check or warrant shall be presumed abandoned, and legal title shall revert to the issuer, and such check or warrant may be voided or canceled. The proceeds of such abandoned check or warrant shall not be subject to the provisions of [chapter 5, title 14](#), Idaho Code.

[22-310, added 1985, ch. 7, sec. 2, p. 11.]